

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.15122 of 2020

and

WMP. Nos.18870 and 18871 of 2020

Alamara Gugai Ashraman Trust,
Rep. By its President,
S.N.Jayaraman,
S/o.S.N.Mani Iyer,
18A, Peygopuram 6th street,
Arunachala Mountain,
Thiruvannamalai.

... Petitioner

Vs.

1. The Secretary to Government,
Revenue Department, Secretariat, Chennai-9.

2. The District Collector, Tiruvannamalai
Tiruvannamalai District.

3. The Revenue Divisional Officer,
Tiruvannamalai.

4. The Tahsildar, Tiruvannamalai,
Tiruvannamalai Taluk & district.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records of the 4th respondent in proceedings No.Na.Ka.A1/4457/2000 dated 26.09.2020 and quash the same.

For Petitioner : Mr.R.Rajarajan

For Respondents: Mr.V.Annai Ezhil
Government Advocate

O R D E R

This Writ Petition has been filed challenging the impugned proceedings of the 4th respondent dated 26.09.2020, wherein, the petitioner has been directed to vacate and hand over the possession of the subject property within a period of five days from the date of receipt of the notice.

2. Heard Mr.R.Rajarajan, learned counsel appearing on behalf of the petitioner and Mr.V.Annai Ezhil, learned Government Advocate appearing on behalf of the respondents.

3. It is seen from records that the petitioner Trust has already approached this Court and filed W.P.No.34916 of 2013 and this writ petition came to be dismissed on 19.06.2018 on merits. The grievance of the petitioner is the "writ appeal" has already been made ready and by the time, the petitioner moved the writ appeal, the impugned notice came to be issued.

4. In the considered view of this Court, there is absolutely no ground to interfere with the impugned notice issued by the 4th respondent. The petitioner cannot maintain a fresh writ petition on the same cause of action and the only remedy left to the petitioner is to prosecute the writ appeal.

5. Taking into consideration the facts and circumstances of the case, there shall be a direction to the 4th respondent to keep the impugned notice dated 26.09.2020, in abeyance for a period of three weeks from today. In the meantime, it is left open to the petitioner to prosecute their remedy in the writ appeal. Apart from giving this protection, no further orders can be passed in this writ petition.

6. This Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petitions are also closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

1. The Secretary to Government,
Revenue Department,
Secretariat, Chennai-9.

3. The Revenue Divisional Officer,
Tiruvannamalai.

+1cc to Mr.R.Rajarajan, Advocate Sr.35001
+1cc to the Government Pleader Sr.35472

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srg 27/11/2020
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